

BILL NO. **78-70**

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COUNTY COUNCIL

OF

HARFORD COUNTY, MARYLAND

BILL NO. **78-70**

Introduced by Councilman Cooper

Legislative Day No. 78-26 Date: August 15, 1978

AN ACT to add new Article 7, heading, Lewdness, to Chapter 14,  
heading, Morals and Conduct, of the Harford County Code;  
to provide for prohibiting obscene performances; to  
provide for definitions; to provide penalties for the  
violation of said Article.

By the Council, August 15, 1978

Introduced, read first time, ordered posted and public hearing scheduled

on: September 19, 1978

at: 7:00 P.M.

By Order: Angela Markowski, Secretary

PUBLIC HEARING

Having been posted and Notice of time and place  
of hearing and Title of Bill having been published according to the  
Charter, a public hearing was held on September 19, 1978  
and concluded on September 19, 1978

Angela Markowski, Secretary

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1 Section 1. *Be It Enacted By The County Council of Harford*  
2 *County, Maryland*, that new Article 7, heading, Lewdness, be,  
3 and it is hereby added to Chapter 14, heading, Morals and  
4 Conduct, of the Harford County Code, all to read as follows:

5 CHAPTER 14. MORALS AND CONDUCT.

6 ARTICLE 7. LEWDNESS

7 Section 14-55. Definitions.

8 (a) For the purpose of this Article, an obscene  
9 performance, exhibition, drama, play, show, dancing exhibition,  
10 tableau or entertainment shall be defined as one which the  
11 average person, applying contemporary community standards,  
12 would find, taken as a whole, appeals to the prurient interest,  
13 and which taken as a whole, lacks serious literary, artistic,  
14 political, or scientific value, and where in a patently offensive  
15 way, it conveys to the observer sexual conduct:

16 (1) As specifically defined in any statute of  
17 Maryland proscribing obscenity or obscene performances, or

18 (2) As specifically defined as follows, whether  
19 actual or simulated:

20 (a) Sexual or anal intercourse, masturbation,  
21 fellatio, cunnilingus, or the fondling of the buttocks, anus,  
22 breasts, or genitalia of oneself or another, or sexual stimulation  
23 by means of contact with animals or inanimate objects; or  
24 urination or defecation.

25 (b) "Simulated" shall mean the representation  
26 of an activity by mimicry, gesture, or bodily movement in a  
27 manner that would clearly and unmistakably convey to an average  
28 adult that such activity is intended to be represented thereby.

29 Section 14-56. Offenses.

30 (a) Any person who as actor, dancer, owner, manager,  
31 producer, director, or agent, or in any other capacity, prepares,  
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1 gives, directs, presents, performs, or participates in any  
2 obscene performance, exhibition, drama, play, show, dancing  
3 exhibition, tableau, or entertainment in which live persons  
4 perform or participate in an obscene manner in the presence of  
5 any other person or persons who have paid a consideration of  
6 any type whatsoever to observe the exhibition or performance;  
7 and

8 (b) Every owner, lessee, or manager of any theatre,  
9 garden, building, room, place or structure, who knowingly  
10 permits the same to be used for the purpose of any such exhibition  
11 as enumerated in this paragraph, or who assents to its use for  
12 any such purpose shall be guilty of a misdemeanor and upon  
13 conviction thereof shall be fined or imprisoned as provided  
14 hereafter.

15 Section 14-57. Penalties.

16 Any person violating any provision of this subtitle  
17 or failing to comply therewith is guilty of a misdemeanor,  
18 punishable upon conviction by a fine not to exceed One Thousand  
19 Dollars (\$1,000.00) or imprisonment not to exceed six (6)  
20 months, or by both such fine and imprisonment. Each day that  
21 a violation continues is deemed to be a separate offense.

22 Section 2. *And Be It Further Enacted*, that if any section,  
23 clause, phrase, word, provision or particular application of  
24 this Act is for any reason held invalid or unconstitutional by  
25 any court of competent jurisdiction, such section, clause,  
26 phrase, word, provision or particular application shall be  
27 deemed a separate, distinct and independent provision or  
28 application and such holding shall not affect the validity of  
29 the remaining provision or subsequent application thereof.

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1 Section 3. *And Be It Further Enacted*, that this Act shall  
2 take effect sixty (60) calendar days from the date it becomes  
3 law.

4 EFFECTIVE: January 30, 1979  
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7 The Secretary of the Council does hereby  
8 certify that fifteen (15) copies of this bill  
9 are immediately available for distribution to  
the public and the press.

10 Angela Markowski  
11 Secretary  
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BY THE COUNCIL

Read the third time.

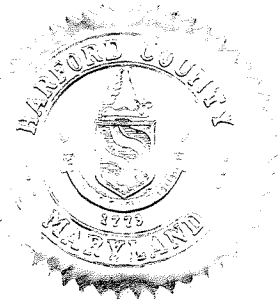
Passed LSD 78-32 (October 17, 1978) ~~(with amendments)~~

~~XXXXXX Passage~~

By order

Angela Markowski, Secretary

Sealed with the County Seal and presented to the County Executive  
for his approval this 18th day of October, 19 78  
at 11:15 o'clock A.M.



Angela Markowski, Secretary

BY THE EXECUTIVE

APPROVED:

County Executive

Date

In accordance with Section 311 of the Charter of  
Harford County, Maryland, Bill No. 78-70 is hereby vetoed  
in toto this eighth day of November 1978.

Charles B. Anderson  
County Executive

BY THE COUNCIL

This Bill, having been passed by the yeas of at least five (5)  
members of the Council notwithstanding the objections of the Executive,  
becomes law on December 1, 1978.

Angela Markowski, Secretary

EFFECTIVE DATE: January 30, 1979

Rec'd for record 12/22 1979 at 3:30 P.M.  
Same day recorded & examined, per  
H. Douglas Chilcoat, Clerk

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